

## United States Senate

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September 10, 2004

The Honorable Patrick Henry Wood III  
Chairman  
Federal Energy Regulatory Commission  
Washington, D.C. 20246

Dear Mr. Chairman:

Yesterday, the Ninth Circuit Court of Appeals ruled that the Federal Energy Regulatory Commission (FERC) has the authority to order retroactive refunds.

On behalf of California consumers, I am writing to demand that you obey the very clear court decision.

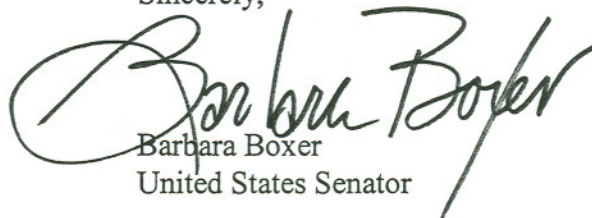
The price gouging began four years ago and ended over three years ago. Yet, FERC has still done nothing of consequence to ensure that California is reimbursed for the outright theft by those energy companies that created false shortages and drove up prices. The result was at least \$8.9 billion in overcharges.

FERC has ignored the schemes, such as Fat Boy and Get Shorty, that were perpetrated on California. FERC has ignored the tapes of Enron employees admitting wrong doing. FERC has ignored the evidence that electricity generators intentionally withheld power.

The court has said you can ignore it no longer.

In an hour-long meeting in my office, you continually misinterpreted the law as a way to get out of ordering billions of dollars of refunds owed to my constituents. Right now, I believe you are in defiance of a court decision. There are no more excuses. Every day that you wait only means more delay in justice being served.

Sincerely,



Barbara Boxer  
United States Senator